THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HONBLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO.70 OF 2006

DATED: 25-01-2006

Between

APSRTC, rep. By its Depot Manager,

Kukatpally Depot, Hyderabad district

....Appellant

And

1.The Additional Industrial Tribunal-cum-

Additional Labour Court, Chandra Vihar,

Hyderabad and another.

...Respondents

JUDGMENT (Per Sri B.Prakash Rao, J)

Heard the learned Standing Counsel for the appellant and also learned counsel for the 2nd respondent.

The appellant-corporation is the unsuccessful writ petitioner which seeks to assail the award of the Labour Court at the instance of the 2nd respondent in regard to removal who happened to be the driver, on the ground that he was

responsible for the accident. Initially an enquiry was conducted and thereafter, he was removed from service which led to the reference in the Labour Court.

Admittedly, the Labour Court after holding an enquiry gave a categorical finding that he cannot be said to be guilty of misconduct and only due to not taking proper precautions while driving the bus, the accident took place. Therefore, the Labour Court ordered reinstatement by awarding 50% of back wages. But only as against 50% of back wages, the appellant corporation sought to file the writ petition. Similarly, the 2nd respondent also filed separate writ petition for grant of entire back wages. Both the writ petitions were disposed of by the learned single Judge.

On consideration of the submissions made and on perusal of record, it is seen that the Labour Court after going into the entire evidence and material available on record produced by either side, gave a categorical finding that the accident took place only due to not taking of proper precautions. Therefore, the back wages were restricted to 50%. Having regard to such reasoning given which is purely based upon the evidence and material on record, this Court would not venture to go into the same in exercise of powers under Article 226 of the Constitution of India. Therefore, we do not find any merits in this appeal.

Accordingly, the writ appeal is dismissed. No costs.

B.PRAKASH RAO, J

Dated: 25-01-2006.

Hsd

P.LAKSHMANA REDDY, J